

Message Text

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PAGE 01 ADDIS 02530 061607Z

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SUBJ: COMMENTS ON EMPEROR'S MARCH 5 SPEECH

REF: A) USINFO 05/1738Z MAR 74; B) ADDIS 2476

1. FOLLOWING OFFICIAL IEG BUILDUP IS PERHAPS MOST IMPORTANT SPEECH SINCE LEAGUE OF NATIONS ADDRESS, EMPEROR DELIVERED BRIEF SPEECH ORDERING STUDY OF CONSTITUTIONAL REFORMS (REF A). IN VIEW OF IMMEDIATE PRESSING PROBLEMS (REF B) AND WIDE EX-PEVIATIONS OF DRAMATIC ANNOUNCEMENT, VAGUE PROMISES CON-TAINED EMPEROR'S ADDRESS SOMEWHAT DISAPPOINTING TO MANY. OF PARTICULAR CONCERN WAS THAT SIX-MONTH TIME FRAME FOR CON-STITUTIONAL REVIEW CALLED FOR IN EMPEROR'S SPEECH WAS DROPPED FROM OFFICIAL ENGLISH AND AMHARIC TEXTS. WHILE WELCOMING POSSIBLE SHIFT TO CONSTITUTIONAL MONARCHY, WHICH SPEECH MAY IMPLY, MANY OBSERVERS SEE SPEECH MAINLY AS LOGICAL FOLLOW-UP TO ADDRESS FROM THRONE ON NOV 4, 1955, DESCRIBING REVISED CONSTITUTION; SPEECH OF APRIL 14, 1961, WHICH EXPLAINED THAT "CHANGE BEGETS CHANGE," PRAISED DIRECT REPRESENTATION, DIVISION OF POWER, GREATER AUTHORITY TO MINISTERS AND TOLD MINISTERS THEY REPOSIBLE TO PEOPLE FOR SOLUTION PROBLEMS; AND ORDER 44 OF 1966 WHICH STRENGTHENED ROLE OF PRIME MINISTER.

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PAGE 02 ADDIS 02530 061607Z

SOME OBSERVERS ARGUE THAT THE CONSTITUTION OF 1955, IN FACT,

CONTAINS ALL NECESSARY ELEMENTS OF MODERN CONSTITUTIONAL MONARCHY AND PROTECTION CIVIL RIGHTS. THEY ARGUE THAT ISSUE IS ONE OF INTERPRETATION AND IMPLEMENTATION RATHER THAN FURTHER REVISION.

3. BASED ON REVIEW 1955 CONSTITUTION AND "ETHIOPIAN CONSTITUTIONAL DEVELOPMENT" BY PAUL AND CLAPHAM, EMBASSY OFFERS FOLLOWING INITIAL COMMENTS ON FIVE AREAS OF PROPOSED CONSTITUTIONAL REFORMS:

A) RE PRIME MINISTER AND PARLIAMENT. SHOULD BE NOTED THAT ARTICLES 72 AND 73 MAKE IT NECESSARY FOR PM AND OTHER MINISTERS APPEAR BEFORE PARLIAMENT AND ANSWER QUESTIONS WHEN SO REQUESTED. ALTHOUGH PARLIAMENT HAS NO LEGAL POWER REMOVE MINISTERS, IT CAN INITIATE PROSECUTION PM AND OTHER MINISTERS UNDER ARTICLE 75.

B) RE JUDICIARY. ARTICLE 110 SPECIFIES JUDGES INDEPENDENT AND RESPONSIBLE ONLY TO LAW. JUDICIAL ADMINISTRATION PROCLAMATION NO 323 OF JULY '73 WAS DESIGNED IMPROVE QUALITY JUDICIAL SYSTEM. (SEE ADDIS A-112 OF JUNE 1973 FOR DESCRIPTION.) WHZORDING INFLUNETIAL MEMBER LAW ASSOCIATION, ABOVE PROCLAMATION NOT RPT NOT BEING SATISFACTORILY IMPLEMENTED.

:) CHAPTER 3 OF CONSTITUTION, ARTICLES 37-65 DEFINE PROTECT CIVIL RIGHTS AND FREEDOMS, INCLUDING THAT OF PRESS. (ALSO SEE ETHIOPIAN NEWS AGENCY ORDER OF 1968).

D) ARTICLE 139 DEALS WITH PROTECTION NATURAL RESOURCES. THERE ALSO NUMEROUS SUBSEQUENT PROCLAMATIONS AND ORDERS CONCERNING FORESTS, MINERALS, PARKS, ETC., (E.G. NOS 225 AND 226 OF 1965).

3) WHILE ARTICLES DEFINING RELATIONSHIPS BETWEEN DIFFERENT BRANCHES OF IEG CONSIDERED AMBIGUOUS, COULD BE ARGUED THAT THEY FLEXIBLE ENOUGH WITHOUT REVISION TO ALLOW FOR STRENGTHENING PARLIAMENT, CABINET AND JIDICIARY (SEE, FOR EXAMPLE, ARTICLES 29, 30, 113, 116 AND 119). PARLIAMENTARIANS COMPLAIN EMPEROR RESTRAINS PARLIAMENT FROM MAXIMIZING ITS POWER UNDER CONSTITUTION (SEE ADDIS A-112 OF 1973 AND PREVIOUS). LIMITED OFFICIAL USE

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PAGE 03 ADDIS 02530 061607Z

4. IN SPECULATING ON EMPEROR'S PROMISED CONSTITUTIONAL REFORMS AND IMPLICATION THAT PM AND PARLIAMENT WILL BE GIVEN GREATER POLITICAL GENERALLY REPRESENTS TRADITIONAL INTERESTS WHICH OFTEN CONTRADICTORY TOTHOSE OF "PROGRESSIVES" AND OR MASS TRADITIONAL RURAL PEOPLE. (FOR EXAMPLE, SEE ADDIS A201 OF 1973 RE PARLIAMENTARY ELECTIONS.) NEAR-TERM IMPACT ANY CONSTITUTIONAL REFORMS ACTUALLY IMPLEMENTED ALSO DEPEDENT UPON

ATTITUDES OF ENDALKACHEW AND HIS CLOSE ASSOCIATES.

(REF ADDIS 2403).

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